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**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington D.C. 20554**

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| In the Matter of: | ) | |
| | ) | CC Docket 94-102 |
| Wireless E911 Phase I | ) | (DA 00-1875) |
| Implementation Issues | ) | |

COMMENTS OF THE WASHINGTON STATE ENHANCED 911 PROGRAM

The Washington State Enhanced 911 program was established to implement and operate enhanced 911 statewide, by the approval of Referendum 42 by the voters of the state in 1991. The program has successfully assisted local agencies to implement enhanced 911 and is now engaged in providing for the ongoing operations of what is recognized as a lifesaving essential service. A significant portion of this ongoing effort is the planning for and active promotion of policies or procedures which will permit the enhanced 911 system to continue to be of service as the telecommunications industry evolves. All changes to the telecommunications environment, whether politically or technologically generated, impact the enhanced 911 systems mandated by the voters of Washington State.

The issue of cost reimbursement for connectivity and the supplying of caller data to the enhanced 911 systems is of particular concern to Washington State's Revised Code of Washington (RCW) 38.52.560 which requires that "Any person.... owning, operating, or managing facilities used to provide wireless two-way telecommunications services for hire, sale, or resale which allow access to 911 emergency services shall provide a system of automatic number identification which allows the 911 [PSAP] operator to automatically identify the number of the caller". The provisions of that statute were negotiated with the cellular companies in the state and the cellular companies were primary supporters of the passage of that legislation. The wireless tax rate of 25¢ was set at one-half of the wireline rate after considerable negotiations where the carriers made it abundantly clear that their preference was for a lesser tax rate with the carrier providing the callers phone number at carrier cost. The option of a higher tax rate with reimbursement was rejected by the carriers providing service in Washington at that time. This tax provision was in place prior to additional carriers bidding for and receiving licenses to operate wireless systems in Washington State.

**Issue One**. The question, "Whether a clearly defined demarcation point exists in the E911 network that separates the responsibilities of carriers and PSAPs for providing the various components or upgrades needed to implement Phase I technologies?" can be answered in it its simplest terms by interpreting the Washington statute. "Shall provide a system of automatic number identification which allows the 911 [PSAP] operator to automatically identify the number *of the caller" is non-ambiguous. "Shall provide" is directive to the carrier. Allowing the PSAP to* receive information is permissive. It is clearly the intent that the carrier provide and that the E911 system receive. There is no indication that the PSAP needs to do anything other than be ready to receive the identity of the caller. Because calls are delivered to the PSAP via the E911 system, the carrier's obligation is to get the call to the E911 system in a manner that it can be received. For practical purposes only delivery of the call to the E911 selective router in a condition that the call can be processed forward to the PSAP meets that criteria. In that the

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FCC Phase I service also requires the delivery of additional information concerning carrier facilities, that information also should arrive at the PSAP without additional considerations beyond that taken for any existing E911 call.

**Issue Two**. Whether the demarcation point should vary according to the technology employed by the carrier is also answered by the Washington statute. It doesn't matter what method of call processing the carrier has chosen or what technological options the carrier has made. In all cases it is the carrier's responsibility. No restrictions are placed on how a wireless carrier manages their network. The result is stated without compromising language concerning how the carrier is to achieve the goal.

A point of presence at the inbound port of the selective router, or its functional equivalent, also has the advantage of permitting the carrier to manage their operations in a competitive manner. It permits them to make decisions on network configuration and other service impacting economics, with 911 service only one of the considered costs. For wireless carriers this is particularly important since their network designs are flexible and very dynamic. Varying the demarcation point for various technologies would put the PSAPs in the position of dictating network design for the wireless carrier, and then in a manner that would not be competitively neutral for all carriers.

**Issue Three**. Are there precedents in the wireline practices for the division of costs and responsibilities? The practice in Washington State has been for any competitive carrier to connect to the selective router and the database at their expense. This is true for CLECs as well as owners of private telephone systems where they are responsible for the link to the E911 system. In most cases that will mean that the competitive carrier will acquire facilities or services from the LEC who provides the E911 system to the PSAP.

The question of LEC responsibilities varies based on E911 system capabilities. Selective routers are sophisticated telephone switching systems and it would seem reasonable that The LEC's make all relevant capabilities of the router available for any competitive wireless carrier. Because of the importance of E911 to all publicly accessible telecommunications providers, it may be prudent to encourage the LECs to provide upgraded selective router capabilities.

Experience in Washington State with attempts to connect wireless carriers to the E911 network has demonstrated a LEC related issue that made the integration of wireless to E911 overly difficult. Because wireless carriers are treated as carriers for purposes of tariffs from which LEC services can be acquired it has been difficult for wireless carriers to acquire E911 facilities, which are typically sold only as subscriber services. Until agreements were reached with the LECs, wireless carriers were required to add a dedicated high capacity facility to the selective router to accommodate E911 traffic even though the same carrier had ample capacity in existing facilities terminating at the selective router location.

**General Objectives.** The integration of wireless systems to E911 should be done with the general objective of transparency to the subscriber and the PSAP. The call processing by the wireless carrier should be reliable and prompt. As in wireline E911 systems, busy conditions that preclude terminating the call at the PSAP should generate a busy signal to the caller. When 911 is dialed the call should arrive at the PSAP on the enhanced 911 system with no degradation of call management capability from that of a wireline call. A demarcation point at the incoming port of the selective router meets these objectives by permitting the wireless carrier to manage the portion of the call processing that is within their network, by providing a known and practiced interface point for signaling between the wireless system and the wireline

based E911 system, and the call processing system acquired to support E911 to and between PSAPs can be managed by the agencies responsible for acquiring and supporting it.

**Recommendation.** Wireless carriers are required to provide both the call and appropriate call identification data to the enhanced 911 network, or its functional equivalent, in a format that permits the network to process the call. The entry point is defined as the inbound port on the selective router for voice and call associated signaling, and is defined as a connection to the data base management system for customer location or other information.

**Summary.** Washington State statutes enacted with full support of wireless carriers provided for a clear split of responsibility for the delivery of calls, and the costs associated with that delivery, to enable E911. The single most significant reason given by carriers for not complying with those statutes has been their reluctance to implement service delivery that in some way would not meet the objectives of the Federal Communications Commission. As King County has requested, the issue should be clarified as recommended above so that the carriers and PSAPs can finally move ahead with linking these phone systems and so that the subscribers receive at least a rudimentary level of enhanced 911 service.

Submitted September 14, 2000

Robert G. Oenning, Administrator
Washington State E911 Program
Camp Murray, Building 20
Tacoma, WA 98430-5011

Phone: 253-512-7011
Fax: 253-512-7202
E-mail: b.oenning@emd.wa.gov